JUDICIAL PANEL ON MULTIDISTRICT LITIGATION
U.S. DISTRICT COURT SEP 2 8 2006

DOCKET NO. 165 2006 OCT 23 PM 2: L5 FILED CERK'S OFFICE

BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

IN RE VIOXX MARKETING, SALES PRACTICES AND PRODUCTS LIABILITY LITIGATION

(SEE ATTACHED SCHEDULE)

4:06 CN 3184 4:06 CN 3186 4:06 CN 3188

CONDITIONAL TRANSFER ORDER (CTO-64)

On February 16, 2005, the Panel transferred 138 civil actions to the United States District Court for the Eastern District of Louisiana for coordinated or consolidated pretrial proceedings pursuant to 28 U.S.C. § 1407. See 360 F.Supp.2d 1352 (J.P.M.L. 2005). Since that time, 4,400 additional actions have been transferred to the Eastern District of Louisiana. With the consent of that court, all such actions have been assigned to the Honorable Eldon E. Fallon.

It appears that the actions on this conditional transfer order involve questions of fact that are common to the actions previously transferred to the Eastern District of Louisiana and assigned to Judge Fallon.

Pursuant to Rule 7.4 of the <u>Rules of Procedure of the Judicial Panel on Multidistrict Litigation</u>, 199 F.R.D. 425, 435-36 (2001), these actions are transferred under 28 U.S.C. § 1407 to the Eastern District of Louisiana for the reasons stated in the order of February 16, 2005, and, with the consent of that court, assigned to the Honorable Eldon E. Fallon.

This order does not become effective until it is filed in the Office of the Clerk of the United States District Court for the Eastern District of Louisiana. The transmittal of this order to said Clerk shall be stayed 15 days from the entry thereof. If any party files a notice of opposition with the Clerk of the Panel within this 15-day period, the stay will be continued until further order of the Panel.

FOR THE PANEL:

Joffery N. Lüthi

Clerk of the Panel

Inasmuch as no objection is pending at this time, the stay is lifted.

OCT 1 6 2006

CLERK'S OFFICE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

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SCHEDULE CTO-64 - TAG-ALONG ACTIONS DOCKET NO. 1657 IN RE VIOXX MARKETING, SALES PRACTICES AND PRODUCTS LIABILITY LITIGATION

| DIST. DIV. C.A. # | CASE CAPTION |
|---|---|
| ALABAMA NORTHERN | |
| ALN 1 06-1628 | Rarbara D. Davigon et al. Manual C. C. I |
| ALN 2 06-1570 | Barbara D. Davison, et al v. Merck & Co., Inc. |
| ALN 2 06-1625 | Glenn W. Baty, Jr. v. Merck & Co., Inc. |
| ALN 2 06-1630 | Jo Lynn Perkins, et al. v. Merck & Co., Inc. |
| ALN 3 06-1626 | Audrey G. Pearson, et al. v. Merck & Co., Inc. |
| ALN 4 06-1627 | James W. Russell, et al. v. Merck & Co., Inc. |
| ALN 4 06-1629 | Herber R. Norckauer v. Merck & Co., Inc. |
| ALN 5 06-1535 | Marjorie Carson, et al. v. Merck & Co., Inc. |
| 112.1 3 00 1333 | Linda T. Eaves, et al. v. Merck & Co., Inc. |
| ARKANSAS WESTERN | |
| ARW 3 06-3050 | John J. O'Neill v. Merck & Co., Inc. |
| CALIFORNIA CENTRAL | |
| CAC 2 06-3235 | Carolyn Wunder, etc. v. Merck & Co., Inc. |
| CAC 2 06-4748 | Cleola Williams, et al. v. Merck & Co., Inc. |
| CAC 2 06-4763 | Dr. Gilbert Swe, et al. v. Merck & Co., Inc., et al. |
| CALIFORNIA FACTOR | , |
| CALIFORNIA EASTERN | |
| CAE 1 06-1006 | Brenda De La Cruz, et al. v. Merck & Co., Inc. |
| CAE 2 06-1826 | Gladys Herring, et al. v. Merck & Co., Inc., et al. Opposed 10/16/06 |
| CAE 2 06-1845 | - Ruth Beatty v. Merck & Co., Inc., et al. Opposed 10/12/06 |
| CAE 2 06-1941 | Mary Grove v. Merck & Co., Inc., et al. Opposed 10/12/06 |
| CAE 2 06-1954 | Donna Moret v. Merck & Co., Inc., et al. Opposed 10/12/06 |
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| CALIFORNIA NORTHERN | |
| CAN 3 06-4921 | Jeffrey Kaufman, et al. v. Merck & Co., Inc., et al., Opposed 10/12/06 |
| | Jeffrey Kaufman, et al. v. Merck & Co., Inc., et al. Opposed 10/12/06 Isaac Pirnazar v. Merck & Co., Inc. |
| CAN 3 06-4921 | Jeffrey Kaufman, et al. v. Merck & Co., Inc., et al. Opposed 10/12/06 Isaac Pirnazar v. Merck & Co., Inc. |
| CAN 3 06-4921 CAN 3 06-5332 COLORADO | Isaac Pirnazar v. Merck & Co., Inc. |
| CAN 3 06-4921 CAN 3 06-5332 COLORADO | Peter Appenzeller v. Merck & Co., Inc. |
| CAN 3 06-4921 CAN 3 06-5332 COLORADO CO 1 06-1529 | Peter Appenzeller v. Merck & Co., Inc. Safdar Lilak v. Merck & Co., Inc. |
| CAN 3 06-4921 CAN 3 06-5332 COLORADO CO 1 06-1529 CO 1 06-1676 CO 1 06-1679 | Peter Appenzeller v. Merck & Co., Inc. |
| CAN 3 06-4921 CAN 3 06-5332 COLORADO CO 1 06-1529 CO 1 06-1676 | Peter Appenzeller v. Merck & Co., Inc. Safdar Lilak v. Merck & Co., Inc. |
| CAN 3 06-4921 CAN 3 06-5332 COLORADO CO 1 06-1529 CO 1 06-1676 CO 1 06-1679 | Peter Appenzeller v. Merck & Co., Inc. Safdar Lilak v. Merck & Co., Inc. |
| CAN 3 06-4921 CAN 3 06-5332 COLORADO CO 1 06-1529 CO 1 06-1676 CO 1 06-1679 CONNECTICUT CT 3 06-1336 | Peter Appenzeller v. Merck & Co., Inc. Safdar Lilak v. Merck & Co., Inc. Donald Patterson v. Merck & Co., Inc. |
| CAN 3 06-4921 CAN 3 06-5332 COLORADO CO 1 06-1529 CO 1 06-1676 CO 1 06-1679 CONNECTICUT CT 3 06-1336 FLORIDA MIDDLE | Peter Appenzeller v. Merck & Co., Inc. Safdar Lilak v. Merck & Co., Inc. Donald Patterson v. Merck & Co., Inc. Joni Barnett, et al. v. Merck & Co., Inc. |
| CAN 3 06-4921 CAN 3 06-5332 COLORADO CO 1 06-1529 CO 1 06-1676 CO 1 06-1679 CONNECTICUT CT 3 06-1336 FLORIDA MIDDLE | Peter Appenzeller v. Merck & Co., Inc. Peter Appenzeller v. Merck & Co., Inc. Safdar Lilak v. Merck & Co., Inc. Donald Patterson v. Merck & Co., Inc. Joni Barnett, et al. v. Merck & Co., Inc. Kathryn Jenkins, etc. v. Merck & Co., Inc., et al. |
| CAN 3 06-4921 CAN 3 06-5332 COLORADO CO 1 06-1529 CO 1 06-1676 CO 1 06-1679 CONNECTICUT CT 3 06-1336 FLORIDA MIDDLE FLM 3 06-742 | Peter Appenzeller v. Merck & Co., Inc. Safdar Lilak v. Merck & Co., Inc. Donald Patterson v. Merck & Co., Inc. Joni Barnett, et al. v. Merck & Co., Inc. Kathryn Jenkins, etc. v. Merck & Co., Inc., et al. Steven Pazian, etc. v. Merck & Co., Inc. |
| CAN 3 06-4921 CAN 3 06-5332 COLORADO CO 1 06-1529 CO 1 06-1676 CO 1 06-1679 CONNECTICUT CT 3 06-1336 FLORIDA MIDDLE FLM 3 06-742 FLM 5 06-291 | Peter Appenzeller v. Merck & Co., Inc. Safdar Lilak v. Merck & Co., Inc. Donald Patterson v. Merck & Co., Inc. Joni Barnett, et al. v. Merck & Co., Inc. Kathryn Jenkins, etc. v. Merck & Co., Inc., et al. Steven Pazian, etc. v. Merck & Co., Inc. Jerry Kaiser v. Merck & Co., Inc., et al. |
| CAN 3 06-4921 CAN 3 06-5332 COLORADO CO 1 06-1529 CO 1 06-1676 CO 1 06-1679 CONNECTICUT CT 3 06-1336 FLORIDA MIDDLE FLM 3 06-742 FLM 5 06-291 FLM 8 06-1507 | Peter Appenzeller v. Merck & Co., Inc. Safdar Lilak v. Merck & Co., Inc. Donald Patterson v. Merck & Co., Inc. Joni Barnett, et al. v. Merck & Co., Inc. Kathryn Jenkins, etc. v. Merck & Co., Inc., et al. Steven Pazian, etc. v. Merck & Co., Inc. Jerry Kaiser v. Merck & Co., Inc., et al. Ena Diaz v. Merck & Co., Inc., et al. |
| CAN 3 06-4921 CAN 3 06-5332 COLORADO CO 1 06-1529 CO 1 06-1676 CO 1 06-1679 CONNECTICUT CT 3 06-1336 FLORIDA MIDDLE FLM 3 06-742 FLM 5 06-291 FLM 8 06-1507 FLM 8 06-1572 | Peter Appenzeller v. Merck & Co., Inc. Safdar Lilak v. Merck & Co., Inc. Donald Patterson v. Merck & Co., Inc. Joni Barnett, et al. v. Merck & Co., Inc. Kathryn Jenkins, etc. v. Merck & Co., Inc., et al. Steven Pazian, etc. v. Merck & Co., Inc. Jerry Kaiser v. Merck & Co., Inc., et al. |
| CAN 3 06-4921 CAN 3 06-5332 COLORADO CO 1 06-1529 CO 1 06-1676 CO 1 06-1679 CONNECTICUT CT 3 06-1336 FLORIDA MIDDLE FLM 3 06-742 FLM 5 06-291 FLM 8 06-1507 FLM 8 06-1572 | Peter Appenzeller v. Merck & Co., Inc. Safdar Lilak v. Merck & Co., Inc. Donald Patterson v. Merck & Co., Inc. Joni Barnett, et al. v. Merck & Co., Inc. Kathryn Jenkins, etc. v. Merck & Co., Inc., et al. Steven Pazian, etc. v. Merck & Co., Inc. Jerry Kaiser v. Merck & Co., Inc., et al. Ena Diaz v. Merck & Co., Inc., et al. |
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| FLORIDA SOUTHERN FLS 0 06-61147 FLS 0 06-61148 FLS 9 06-80732 | Dorothy J. Matuszak, et al. v. Merck & Co., Inc. Sylvia Cardone, et al. v. Merck & Co., Inc. Allan Reise, et al. v. Merck & Co., Inc. |
| GEORGIA MIDDLE GAM 4 06-73 GAM 5 06-286 | Helen Hightower, etc. v. Merck & Co., Inc. Barbara P. Stone, et al. v. Merck & Co., Inc. |
| GEORGIA NORTHERN GAN 1 06-1749 GAN 1 06-1751 GAN 1 06-1752 GAN 1 06-1753 GAN 1 06-1754 GAN 1 06-1965 | Veronica Davis v. Merck & Co., Inc. Barbara Jean Brown v. Merck & Co., Inc. Audrey Culbreth v. Merck & Co., Inc. Susan Patton, etc. v Merck & Co., Inc. Leta Ballard, etc. v. Merck & Co., Inc. Muriel Burnat v. Merck & Co., Inc. |
| GEORGIA SOUTHERN GAS 6 06-75 | Mary Sowell, etc. v. Merck & Co., Inc. |
| IOWA SOUTHERN IAS 4 06-403 | James F. Lockard, et al. v. Merck & Co., Inc. |
| IDAHO ID 1 06-326 | Dorothy LeFavi v. Merck & Co., Inc. |
| ILLINOIS CENTRAL ILC 3 06-3188 | Jerry Highsmith v. Merck & Co., Inc. |
| ILLINOIS NORTHERN ILN 1 06-4602 | Joseph Szerbinski, et al. v. Merck & Co., Inc. |
| ILLINOIS SOUTHERN HLS - 3 - 06-630 HLS - 3 - 06-634 ILS - 3 - 06-658 | Lorene Deist, et al. v. Merck & Co., Inc., et al. Opposed 10/10/06 June Mannings, et al. v. Merck & Co., Inc., et al. Opposed 10/10/06 Roland Beavers, et al. v. Merck & Co., Inc. |
| INDIANA SOUTHERN INS 2 06-160 INS 2 06-169 INS 2 06-181 INS 2 06-182 | John A. Shipman, Sr., et al. v. Merck & Co., Inc. Leslie D. Johnston, et al. v. Merck & Co., Inc. Carolyn Willis v. Merck & Co., Inc. Nancy A. Chambers, et al. v. Merck & Co., Inc. |
| KANSAS KS 2 06-2331 KS 2 06-2338 | Wanda Fendley v. Merck & Co., Inc. Jack Nachman, et al. v. Merck & Co., Inc. |
| LOUISIANA WESTERN LAW 5 05-1710 | Jeffrey Brinson, et al. v. Merck & Co., Inc. |
| MINNESOTA MN 0 06-3189 MN 0 06-3193 MN 0 06-3199 MN 0 06-3351 MN 0 06-3444 MN 0 06-3449 MN 0 06-3503 | John P. Erickson, etc. v. Merck & Co., Inc. Paul Kunin, et al. v. Merck & Co., Inc. Raye Simonian, et al. v. Merck & Co., Inc. Ambrose Reese, etc. v. Merck & Co., Inc. Shirley P. Worth v. Merck & Co., Inc. Ronald Swanson, et al. v. Merck & Co., Inc. Osmo Larmi v. Merck & Co., Inc. |

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| DIST. DIV. C.A. # | CASE CAPTION |
| MISSOURI EASTERN | |
| MOE 4 06-1157 | Stephen D. Murch v. Merck & Co., Inc., et al. Opposed 10/10/06 |
| MOE 4 06-1181 | Jack Priesmeyer v. Merck & Co., Inc. |
| MISSISSIPPI SOUTHERN | |
| MSS 1 06-760 | Cynthia King v. Merck & Co., Inc. |
| MSS 1 06-761 | Gladys Harrien v. Merck & Co., Inc. |
| MSS 1 06-762 | Gary Wyman, Sr. v. Merck & Co., Inc. |
| MSS 1 06-763 | Robert Seal v. Merck & Co., Inc. |
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| NCE 7-06-115 | Eugene Seals, et al. v. Merck & Co., Inc., et al. Opposed 10/10/06 |
| NCE 7 06-119 | Alma F. Owens v. Merck & Co., Inc. |
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| NCM 1 06-710 | Michael R. Ingram, et al. v. Merck & Co., Inc. |
| NCM I 06-711 | Jeffery L. Ireland, et al. v. Merck & Co., Inc. |
| NCM 1 06-714 | Irene G. Berckman, et al. v. Merck & Co., Inc. |
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| NCW 1 06-236 | Marshall D. Justice, et al. v. Merck & Co., Inc. |
| NCW 1 06-257 | Cynthia M. Beam, et al. v. Merck & Co., Inc. |
| NCW 3 06-365 | Jay H. Carpenter, et al. v. Merck & Co., Inc. |
| NCW 3 06-366 | William H. Cooper, et al. v. Merck & Co., Inc. |
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| NE 4 06-3184 | Kenneth J. Nowak, et al. v. Merck & Co., Inc. |
| NE 4 06-3186 | Steven Harrington, et al. v. Merck & Co., Inc. |
| NE 4 06-3188 | Aralon W. Oestmann, et al. v. Merck & Co., Inc. |
| NEW JERSEY | |
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| 0 00 000 1 | Frank Britton, et al. v. Merck & Co., Inc. |
| | Constance Ware, et al. v. Merck & Co., Inc. |
| NJ 3 06-4160 | John Aubuchon, et al. v. Merck & Co., Inc. |
| NEVADA | |
| NV 2 06-1018 | Bernell Shaffner v. Merck & Co., Inc., et al. |
| NEW YORK EASTERN | |
| NYE 1 06-3790 | Joseph D. Wein, etc. v. Merck & Co., Inc. |
| NEW YORK NORTHERN | |
| NYN 1 06-932 | Dennis Richard Harrison v. Merek & Co., Inc. Opposed 10/16/06 |
| NEW YORK SOUTHERN | |
| NYS 1 06-5665 | William Kahle, et al. v. Merck & Co., Inc. |
| NYS 1 06-5896 | Carmen I. Reyes, etc. v. Merck & Co., Inc. |
| NEW YORK WESTERN | |
| N. T. V. C. T. C. | Ronald V. Morlov, Co. a. M. J. o. o. |
| 3 / | Ronald V. Morley, Sr. v. Merck & Co., Inc. |
| 3 ** *** | Gregory Bennett, etc. v. Merck & Co., Inc., et al. |
| | Stephanie Guy, et al. v. Merck & Co., Inc., et al. |
| NINCOLO DE COMO DE COM | Arline M. Ellis, et al. v. Merck & Co., Inc., et al. |
| | Karen Sarach, et al. v. Merck & Co., Inc., et al. |

| DIST. DIV. C.A. # | CASE CAPTION |
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| OHIO NORTHERN OHN 1 06-1982 OHN 1 06-1984 OHN 1 06-2106 OHN 3 06-1877 OHN 3 06-1898 OHN 3 06-2062 | Diane M. Lamoreaux, et al. v. Merck & Co., Inc. Howard Moss v. Merck & Co., Inc. Markus Bruckner v. Merck & Co., Inc. Pearl D. King, et al. v. Merck & Co., Inc. James G. Siefker, etc. v. Merck & Co., Inc. Howard Davenport, et al. v. Merck & Co., Inc. |
| OKLAHOMA EASTERN OKE 6 06-309 OKE 6 06-310 OKE 6 06-341 | Carol Chastain v. Merck & Co., Inc. Rick Swafford v. Merck & Co., Inc. Tommy Combs, et al. v. Merck & Co., Inc. |
| OKLAHOMA NORTHERN OKN 4 06-395 OKN 4 06-444 OKN 4 06-450 OKN 4 06-452 | Ruby Erhart, etc. v. Merck & Co., Inc. Duain W. Hogue v. Merck & Co., Inc. Helen L. Post, et al. v. Merck & Co., Inc. Ronald Kelsey v. Merck & Co., Inc. |
| OKLAHOMA WESTERN OKW 5 06-904 | Willa Jean Poe, et al. v. Merck & Co., Inc. |
| PENNSYLVANIA EASTERN PAE 2 06-3419 PAE 2 06-3439 PAE 2 06-3440 PAE 2 06-3441 PAE 2 06-3498 PAE 2 06-3534 PAE 2 06-3557 PAE 2 06-3558 PAE 2 06-3593 PAE 2 06-3627 PAE 2 06-3645 PAE 2 06-3700 PAE 2 06-3722 PAE 2 06-3804 | George Acaley, et al. v. Merck & Co., Inc., et al. Renate Eaton, etc. v. Merck & Co., Inc., et al. Dolores Bultman v. Merck & Co., Inc., et al. Thomas H. Whitfield, et al. v. Merck & Co., Inc., et al. Dorothy J. Larson, et al. v. Merck & Co., Inc., et al. Henrietta L. Morris, et al. v. Merck & Co., Inc., et al. Maria Oquendo v. Merck & Co., Inc., et al. Bradford Clayton Wallis, et al. v. Merck & Co., Inc., et al. Henry Bell, et al. v. Merck & Co., Inc., et al. Edward J. Silverman, et al. v. Merck & Co., Inc., et al. Nancy M. Miller, etc. v. Merck & Co., Inc. Eric J. Cohen, et al. v. Merck & Co., Inc., et al. Shirley D. McGinley, etc. v. Merck & Co., Inc. Mary Ann Romerger, etc. v. Merck & Co., Inc. |
| PENNSYLVANIA WESTERN PAW 2 06-1120 | Audrey Sapida v. Merck & Co., Inc. |
| SOUTH CAROLINA SC 4 06-2332 SC 4 06-2369 | Carlos R. Delafuente, et al. v. Merck & Co., Inc. Michael E. Watson, et al. v. Merck & Co., Inc. |
| TEXAS EASTERN TXE 2 06-312 TXE 5 06-191 | Johnny Kincaid, et al. v. Merck & Co., Inc. Bertha Free v. Merck & Co., Inc. |
| TEXAS NORTHERN TXN 4 06-538 TXN 4 06-569 | Kathryn Jo Trotter v. Merck & Co., Inc. Katherine Shelly Moyers v. Merck & Co., Inc. |

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CASE CAPTION

TEXAS SOUTHERN

TXS 4 06-2565

Winston Webber v. Merck & Co., Inc.

TEXAS WESTERN

TXW 2 06-69

Alicia E. Ramos, et al. v. Merck & Co., Inc.

UTAH

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Joyce Mower, etc. v. Merck & Co., Inc. Beryl Ball, etc. v. Merck & Co., Inc.

VIRGINIA WESTERN

VAW 2 06-48

Nancy Osborne, et al. v. Merck & Co., Inc.

WASHINGTON WESTERN

WAW 2 06-1113

Gene Mesker, et al. v. Merck & Co., Inc.

WEST VIRGINIA SOUTHERN

WVS -2 06-619

Ronda Lee Smith, etc. v. Health Management Associates of West Virginia, Inc., et al.

Vacated 10/13/06

INVOLVED COUNSEL LIST (CTO-64) DOCKET NO. 1657 IN RE VIOXX MARKETING, SALES PRACTICES AND PRODUCTS LIABILITY LITIGATION

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4:06-cv-03186-JFB-TDT Doc # 10 Filed: 10/23/06 Page 10 of 18 - Page ID #g122f5 INVOLVED COUNSEL LIST (CTO-64) MDL-1657

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Page 5 of 5

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